

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

463I0369

HOUSE BILL NO. 1119

Introduced by: Representatives Cutler, Adelstein, Cradduck, Gillespie, Hunhoff, Kraus, LaRue, Murschel, O'Brien, and Schafer and Senators Albers, Abdallah, de Hueck, Dempster, Jaspers, Knudson, McCracken, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the arrest of a spouse
2 for abuse.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-10-35 be amended to read as follows:

5 25-10-35. If the officer has probable cause to believe that spouses, former spouses, or other
6 persons who reside together or formerly resided together have assaulted each other, the officer
7 is not required to arrest both persons. The officer shall arrest the person whom the officer
8 believes to be the ~~primary~~ predominant physical aggressor. In making this determination, the
9 officer shall make every reasonable effort to consider:

- 10 (1) The intent to protect victims of domestic abuse under this chapter;
- 11 (2) The comparative extent of injuries inflicted or serious threats creating fear of physical
12 injury; and
- 13 (3) The history of domestic abuse between the persons involved.

